

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

819051
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Attorneys for CITIMORTGAGE, INC.

In Re:

HERBERT WESLY NEWMAN
JUDITH JEAN NEWMAN



Order Filed on February 27, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No: 17-18942 - MBK

Hearing Date: February 4, 2020

Judge: MICHAEL B KAPLAN

Recommended Local Form:



Followed



Modified

ORDER RESOLVING MOTION TO VACATE STAY AND/OR MOTION TO DISMISS WITH CONDITIONS

The relief set forth on the following pages, numbered two (2) and three (3) is hereby **ORDERED**.

DATED: February 27, 2020

A handwritten signature in black ink, appearing to read "Michael B. Kaplan".

Honorable Michael B. Kaplan
United States Bankruptcy Judge

Applicant: CITIMORTGAGE, INC.
Applicant's Counsel: Phelan Hallinan Diamond & Jones, PC
Debtor's Counsel: William H. Oliver, Jr., Esquire
Property Involved ("Collateral"): 42 QUAIL RUN, BAYVILLE, NJ 08721

Relief sought: ☒ Motion for relief from the automatic stay
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for 2 months, from 06/01/2019 to 02/01/2020.

☒ The Debtor is overdue for 3 payments at \$897.44 per month.

☒ The Debtor is overdue for 3 payments at \$981.32 per month.

☒ The Debtor is overdue for 3 payments at \$897.03 per month.

☐ The Debtor is assessed for _____ late charges at \$_____ per month.

☒ Applicant acknowledges suspense funds in the amount of \$883.54.

Total Arrearages Due \$7,443.83.

2. Debtor must cure all post-petition arrearages, as follows:

☒ Immediate payment shall be made in the amount of \$3,589.76. Payment shall be made no later than 02/29/2020.

☒ Beginning on 03/01/2020, regular monthly mortgage payments shall continue to be made.

☒ Beginning on 03/01/2020, additional monthly cure payments shall be made in the amount of \$642.35 for 5 months.

☒ On 08/01/2020, additional monthly cure payment shall be made in the amount of \$642.32.

☐ The amount of \$_____ shall be capitalized in the debtor's Chapter 13 plan. Said amount shall be set up on Trustee's ledger as a separate Claim. Debtor(s) shall file a Modified Plan within 10 days from the entry of this Order to account for the additional arrears to be paid to the secured creditor via Chapter 13 Plan and to adjust monthly payments to the Chapter 13 Trustee accordingly.

3. Payments to the Secured Creditor shall be made to the following address(es):

☒ Immediate payment:

Cenlar, FSB
425 Phillips Boulevard
Ewing, NJ 08618

☒ Regular Monthly payment:

Cenlar, FSB
425 Phillips Boulevard
Ewing, NJ 08618

☒ Monthly cure payment:

Cenlar, FSB
425 Phillips Boulevard
Ewing, NJ 08618

4. In the event of Default:

☒ Should the Debtors fail to make any of the above captioned payments, or if any regular monthly mortgage payment commencing after the cure of the post petition delinquency is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ In the event the Debtors converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtors shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent

to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

5. Award of Attorneys' Fees:

☐ The Applicant is awarded attorneys fees of \$_____, and costs of \$_____.

The fees and costs are payable:

☐ Through the Chapter 13 plan. These fees/costs shall be set up as a separate claim to be paid by the Standing Trustee and shall be paid as an administrative claim.

☐ to the Secured Creditor within _____ days.

☐ Attorneys' fees are not awarded.

6. This Agreed Order survives any loan modification agreed to and executed during the instant bankruptcy.

Certificate of Notice Page 5 of 5

United States Bankruptcy Court
District of New JerseyIn re:
Herbert Wesly Newman
Judith Jean Newman
DebtorsCase No. 17-18942-MBK
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin
Form ID: pdf903Page 1 of 1
Total Noticed: 1

Date Rcvd: Feb 28, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 01, 2020.
db/jdb +Herbert Wesly Newman, Judith Jean Newman, 42 Quail Run, Bayville, NJ 08721-1385

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 01, 2020

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 28, 2020 at the address(es) listed below:

Albert Russo docs@russotrustee.com
 Andrew L. Spiyack on behalf of Creditor CITIMORTGAGE, INC. nj.bkecf@fedphe.com
 Denise E. Carlon on behalf of Creditor Toyota Lease Trust dcarlon@kmlawgroup.com,
 bkgroup@kmlawgroup.com
 Marlena S. Diaz-Cobo on behalf of Creditor Mill Creek Island Berkeley Condominium Association,
 Inc. collections@theassociationlawyers.com
 Nicholas V. Rogers on behalf of Creditor CITIMORTGAGE, INC. nj.bkecf@fedphe.com
 Rebecca Ann Solarz on behalf of Creditor Toyota Lease Trust rsolarz@kmlawgroup.com
 Robert Davidow on behalf of Creditor CITIMORTGAGE, INC. nj.bkecf@fedphe.com
 Sherri Jennifer Smith on behalf of Creditor CITIMORTGAGE, INC. nj.bkecf@fedphe.com,
 nj.bkecf@fedphe.com
 U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov
 William H. Oliver, Jr. on behalf of Debtor Herbert Wesly Newman courtdocs@oliverandlegg.com,
 R59915@notify.bestcase.com
 William H. Oliver, Jr. on behalf of Joint Debtor Judith Jean Newman courtdocs@oliverandlegg.com,
 R59915@notify.bestcase.com

TOTAL: 11